

Applicant: Cathleen Siok-Syuan Chua
Serial No.: 10/814,888
Filing Date: March 30, 2004
Docket No.: CCH-001

REMARKS

Reconsideration and allowance are respectfully requested.

35 U.S.C. §102 and Bailey

Claims 1-6, 8-10 and 16 are rejected under 35 U.S.C. §102 as being anticipated by Bailey (USP 6,817,033). In response, Applicant has amended Claim 1 to more clearly distinguish Bailey.

First, Bailey (see Figure 1) discloses a garment that has a body portion 12 and two wings 80 and 82. Bailey's wings 80 and 82 (see Figure 1) are roughly the same width or slightly wider than the length of Bailey's waistband between tabs 70. Applicant's invention of Claim 1, on the other hand, recites that "if the baby blanket is laying flat with the pouch portion collapsed then there is a lateral distance between location A on the left side of the pouch portion and location C on the right side of the pouch portion", that "the first arm extension portion extends to the left from location A a first distance that is substantially greater than the lateral distance" and that "the second arm extension portion extends to the right from location C a second distance that is substantially greater than the lateral distance". Dependent Claim 2 further recites that "the first distance is at least twice the lateral distance" between A and C (support for this recitation in Claim 2 is found in Applicant's figures).

Second, Bailey's wings 80 and 82 (see Figure 1) are circular and look like mouse ears or elephant ears. Bailey's wings 80 and 82 are not tapered as they extend to the left and right. Claim 1, on the other hand, recites that "the first arm extension portion tapers as it extends to the left" and that "the second arm extension portion tapers as it extends to the right".

Third, a central aspect of Bailey's garment is "clefts" 90 and 92 that extend "between each respective wing 80, 82 and the body portion 12" ('033, col. 4, lines 58-59). Bailey's clefts 90 and 92 are for accommodating a "five-point harness" of a car seat. Quite to the contrary, Applicant's invention of Claim 1 recites that the

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“first side” of the first arm extension portion extends “to the left from a location A on the left side of the pouch portion” and that “the location A . . . is disposed at least two inches below the rim”. Similarly, Claim 1 recites that the “first side” of the second arm extension portion extends “to the right from a location C on the right side of the pouch portion” and that “the location C . . . is disposed at least two inches below the rim”.

For numerous reasons, including those set forth above, Bailey does not anticipate Claim 1. Similarly, Claims 2-13 and 15 that depend from Claim 1 cannot be anticipated by Bailey either. Withdrawal of the §102 rejection over Bailey is requested.

35 U.S.C. §102 and Gatten

Claims 1-7 and 13 are rejected under 35 U.S.C. §102 as being anticipated by Gatten (US Patent Publication No. 2004/0019969). In response, Applicant has amended Claim 1 to more clearly distinguish Gatten.

First, as Gatten explains and illustrates, Gatten’s arms 130 and 135 (see Figure 1) are of different lengths. The “short blanket arm” 130 is short so that when it wraps over and across the infant it can be secured by tucking end point 133 between the infant’s torso and the proximate arm restraint 125 and armpit. The “long blanket arm” 135, in contrast, is made longer so that it can be wrapped over the infant, then “repeatedly around the infant.” The arms 130 and 135 of Gatten’s blanket are not the same length for a reason. Applicant’s invention of Claim 1, on the other hand, recites that “the first arm extension portion extends to the left from location A a first distance . . .”, and that “the second arm extension portion extends to the right from location C a second distance. . .” and that “the first and second distances are substantially equal”. In contrast to Gatten, Applicant’s arm extensions can be tied together on the opposite side of the baby carrier.

Second, as the Examiner concedes “Gatten does not disclose the hood portion, the back portion extending upward and terminating in the hood portion”

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(Office Action, page 9, lines 1-2). Claim 1, on the other hand, clearly and specifically recites "a hood portion, the back portion extending upward and terminating in the hood portion".

Third, as the Examiner points out "Gatten does not disclose the means to constrict the opening" (Office Action, page 10, line 18). Claim 1, on the other hand, specifically recites "the opening has an adjustable circumference".

Fourth, as the Examiner points out "Gatten does not disclose the means to adjust the depth of the pouch portion" (Office Action, page 10, lines 4-5). Claim 1, on the other hand, specifically recites that "the pouch portion has an adjustable depth".

Accordingly, Gatten does not anticipate Claim 1 for multiple independent reasons. Dependent claims 2-13 and 15 therefore also cannot be anticipated by Gatten. Withdrawal of the §102 rejection over Gatten is requested.

35 U.S.C. §103 - Dependent Claims 8-12, 14 and 15

The §103 rejections of claims that depend from Claim 1 (Claims 8-12, 14 and 15) are no longer pertinent due to the amendments made to Claim 1, and/or due to amendments made to the dependent claims themselves. Claim 14 is canceled. Examination of the Claims as amended is requested.

Claims 17 and 18

Independent Claim 17 is rejected under 35 U.S.C. §103 over Gatten (US Patent Publication No. 2004/0019969) in view of Norman (US Patent Publication No. 2003/0178452, in further view of Maine (USP 3,996,620). After citing Gatten and Norman, the Examiner concedes that Gatten "does not disclose the first arm extension portion and the second arm extension portion passes between the person..." (Office Action, page 14, lines 10-11). The Examiner also concedes that Gatten does not disclose "the first and second arm extension portions are detachably connected on the other side of the with respect to the person" (Office Action, page 14, lines 13-14). Presumably due to these deficiencies of Gatten

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and Norman, the Examiner cites the Maine reference. The Examiner then asserts that "Maine teaches the first arm extension portion (12c) and the second arm extension portion (14c) passes between the person (See Figure 3 & 4). The Examiner also asserts that Maine teaches "the first (12c) and second (14c) arm extension portions are detachably connected on the other side of the with respect to the person..." (Office Action, page 14, lines 18-20). The Examiner then concludes that it would have been "obvious" ... "to make the first arm extension portion and the second arm extension portion passes between the person...wherein the first and second arm extension portions are detachably connected on the other side of the with respect to the person..." (Office Action, page 15, lines 1-8).

Applicant respectfully disagrees and traverses the §103 rejection. The Office Action repeatedly, and conveniently, glosses over the recitations in Claim 17 that the first arm extension portion passes "between the chest¹ of the person" and the recited "portion of the front-worn baby carrier", and that the second arm extension portion passes "between the chest of the person" and "at least a portion of the front-worn baby carrier". There is no such teaching in Maine. Maine relates to a radiation apron ! There is no teaching or recognition in Maine that anything should pass between a particular type of baby carrier (a front-worn baby carrier) and a wearer of the baby carrier. It is revealing that the Examiner does not point to any passages or teachings in the text of Maine, but rather just points to parts of Figures. Applicant respectfully submits that Maine has nothing whatever to do with a baby blanket or a front-worn baby carrier. Maine has no teaching of where "waist tie band portions 12c and 14c" should go with respect to a baby carrier.

Moreover, in a more general sense, not one of the three references used in the §103 rejection has any recognition or teaches that a baby blanket should be or could be attached to a baby carrier. If the undersigned has missed such a

¹ The "chest" is added to very clearly distinguish the person's waist.

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teaching, the Examiner is respectfully requested to specifically point it out, by column and line number, in the next Office Action so that prosecution can be advanced. The undersigned has read the references several times and sees no such teaching. The only reference that even mentions a baby carrier, Norman, does not disclose a baby blanket but rather shows some sort of shroud 46 that comes out of a pouch on the outside of the baby carrier (see Figure 10, and paragraph 31). The shroud 46 does not have straps or arm extension portions. There simply is no teaching in any of the references to wrap arm extension portions of a baby blanket between the wearer of a front-worn baby carrier and the baby carrier. There certainly is no suggestion or teaching to provide adequately long arm extension portions that they could be, or should be, "detachably connected" "on the other side of the front-worn baby carrier with respect to the person". The §103 rejection is improper and should be withdrawn.

The first §103 rejection of dependent Claim 18² is entirely deficient and fails to amount to a *prima facie* rejection under §103. Nowhere does the rejection identify where in the three references disclosure is found of passing arm extension portions between a baby carrier and a wearer of the baby carrier (see discussion above). The rejection ignores the relevant recitations³. Moreover, the rejection ignores the recitation that the arm extension portions be detachably connected "on the other side" of the baby carrier from the person.⁴ The §103 rejection of dependent Claim 18 is improper.

The second §103 rejection of dependent Claim 18⁵ also fails to amount to a *prima facie* rejection under §103. The rejection entirely ignores the recitations of the first and second arm extension portions passing between the person and

² The first §103 rejection of Claim 18 is over Bailey and Bouma (Office Action, item 11).

³ The Examiner in fact concedes that "Bailey does not disclose that the first arm extension portion extends between the person" and the baby carrier (Office Action, page 18, lines 14-15).

⁴ The Examiner in fact concedes that "Bailey does not disclose the detachable coupling the first arm extension portion and the second arm portion together at the location on the opposite side of the baby carrier with respect to the person" (Office Action, page 19, lines 10-12).

⁵ The second §103 rejection of Claim 18 is over Gatten, Norman and Bouma (Office Action, item 12).

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the baby carrier, and the recitation of the arm extension portions being detachably connected “on the other side” of the baby carrier from the person. The §103 rejection of dependent Claim 18 is therefore improper.

Claims 19 and 20

Independent Claim 19 is rejected under 35 U.S.C. §103 over an amazing hodgepodge of five (5) different references: Bailey, Bouma, Maine, Norman, and Ruefer. After mentioning Bailey and Bouma, the Examiner concedes that “Bailey does not disclose that the first arm extension portion extends between the person” (Office Action, page 18, lines 14-15). The Examiner therefore cites Maine and states “Maine teaches that the first arm (12c) and second (14c) extension portion extends between the person...” (Office Action, page 18, lines 16-18). The Examiner then goes on to conclude that it would have been “obvious” to combine Maine and the other references to achieve Applicant’s invention of Claim 19.

Applicant disagrees and traverses the §103 rejection. Applicant asks, “Why does the Office Action repeatedly ignore the complete recitation of where the arm extension portions extend? The Office Action states the Maine teaches that first and second arm extension portions extend “between the person”. That sentence does not make any sense. An arm extension portion cannot extend “between a person”. The arm extension portion has to extend between one thing and something else, or it has to go through something. Saying that an arm extension portion extends “between a person” makes no sense. What Claim 19 recites is that “the first arm extension portion extends between a person wearing the baby carrier and at least a portion of the baby carrier”. Similarly, Claim 19 recites that “the second arm extension portion extends between the person and at least a portion of the baby carrier”. The Examiner is requested not to ignore the second parts of the two claim recitations.

As set forth above with respect to Claim 17 and the Maine reference, there is no teaching in Maine that Maine’s “waist tie band portions” 12c and 14c should

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go any particular place with respect to a baby carrier. No baby carrier is mentioned in Maine. In fact, from what it appears in Figures 4-6 of Maine, Maine's waist tie band portions 12c and 14c simply tie around the waist. That is NOT what is recited in Claim 19. Applicant respectfully submits that the recitations that the first and second arm extension portions extends between the person and baby carrier are nowhere disclosed or suggested in Maine, or in any other of the cited references.

Moreover, after admitting that Bailey [and presumably the other references mentioned up to that point in the rejection] "does not disclose the detachable coupling the first arm extension portion and the second arm portion together at the location on the opposite side of the baby carrier with respect to the person" (Office Action, page 19, lines 10-12), the Examiner cites yet another reference, Ruefer (USP 5,722,094) and states that Ruefer "teaches" the detachable coupling "on the opposite side of the baby carrier" (Office Action, page 19, lines 13-15). This is, however, simply NOT TRUE. Ruefer discloses no such thing. The only disclosure cited in the statement of rejection is Figures 7 and 8. There is no disclosure in Figures 7 and 8 of detachably coupling arm extension portions on the opposite side of a baby carrier. There is no baby carrier in Figures 7 and 8.

Nothing in the cited five references remotely discloses or suggests arm extension portions of a baby blanket extending between a person wearing a baby carrier and the baby carrier, nor is there any disclosure of the two arm extension portions being detachably coupled "together" "on the opposite side of the baby carrier with respect to the person". Reconsideration and withdrawal of the §103 rejection of Claim 19 is requested.

Dependent Claim 20 is rejected over Gatten, Hay and Maine. The Examiner admits that Gatten and Hay "do not disclose the first and second arm extension portions are detachably coupled together by tying the first and second arm extension portions together" (Office Action, page 21, lines 9-11). The Office Action then cites Maine, presumably for disclosure of the missing "tying"

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recitation. Applicant respectfully submits, however, that the rejection ignores the recitation in independent Claim 19 that the first and second arm extension portions extend between the person and the baby carrier. This teaching is not in Maine as set forth above, nor is it in Gatten, nor is it in Hay. Applicant respectfully submits Claim 20 is clearly and patentably distinguished from Gatten, Hay and Maine. Reconsideration and withdrawal of the §103 rejection of dependent Claim 20 is requested.

New Claims 21-24

New method Claims 21-24 are clearly and patentably distinguished from all the references identified by the Examiner. For example, none of the cited references recognizes or teaches the wrapping of first and second arm extension portions of a baby blanket around a baby carrier such that the arm extension portions **extend between the chest of a person wearing the baby carrier and the baby carrier**, and then detachably coupling the arm extensions together **on the opposite side of the baby carrier with respect to the person**. Claim 23, on the other hand, clearly recites "wrapping the first arm extension portion around the baby carrier such that the first arm extension portion extends between the chest of the person and at least a portion of the baby carrier", "wrapping the second arm extension portion around the baby carrier such that the second arm extension portion extends between the chest of person and at least a portion of the baby carrier", and "detachably coupling the first arm extension portion to the second arm extension portion at a location on the opposite side of the baby carrier with respect to the person". The term "chest" is added to very clearly distinguish the "waist tie bands" and "waist" tying aspect of Maine. Not only do Maine's waist tie bands tie around a person where the recited arm extension portions wrap around another object (a baby carrier), but Maine's waist tie bands tie around the person's waist, whereas the recites arm extension portions extend between the chest and the baby carrier.

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In view of the above amendments and Remarks, it is believed that this application (Claims 1-13, 15, and 17-24 are pending) is in condition for allowance. A Notice Of Allowance is respectfully requested. If the Examiner would like to discuss any aspect of this application, the Examiner is requested to contact the undersigned at (925) 862-9972.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By T. Lester Wallace
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Respectfully submitted,

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